



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
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TC 3600

Harold Paul Odom
9 Orchard Lane
Hawthorne Woods, IL 60047

In re Application of
Harold Paul Odom
Application No. 09/927,870
Filed: August 9, 2001
For: VEHICLE FRONT SUSPENSION
SYSTEM

:
:
: DECISION ON PETITION
:
: TO WITHDRAW THE
:
: HOLDING OF ABANDONMENT

This is in reply to applicant's communication, filed in the United States Patent and Trademark Office on July 11, 2003. This communication is being treated as a petition to withdraw the holding of abandonment. There is no fee for this petition.

The petition is **DISMISSED**, pending submission of a renewed petition.

A review of the file record indicates that the application was held abandoned for failure to timely respond to a Restriction Requirement mailed November 4, 2002.

The records of the Office indicate that the Restriction Requirement was mailed to applicant at the address of record at that time on November 4, 2002. There is a strong presumption that mail properly addressed and delivered to the United States Postal Service was in fact delivered to the addressee. An allegation that an Office communication was not received may be considered in a formal petition for the withdrawal of the holding of abandonment, in accordance with *Delgar Inc. v. Schuyler*, 172 USPQ 513. However, the presumption that the Office communication was delivered to applicant may be overcome by a showing that the communication was not, in fact, received as indicated below.

Applicant's statements of non-receipt should include a statement by him, and by anyone else at applicant's correspondence address, who would have handled the Office communication, and include any available documentary evidence of mail received, covering a reasonable period after the date of the Office communication, to show non-receipt of the communication in question. Copies of records on which the receipt date of the Office communication would have been entered had it been received, (e.g., a copy of the outside of the file maintained by applicant), are required if available. Also, a showing of any docket records or other method which would serve as a reminder of a response due date should be submitted. Whatever method applicant uses as a reminder, and submits in response to this decision should be adequately explained. Also, a statement is required that a search of the file maintained by applicant, or any other location where correspondence from the USPTO is kept, fails to find a copy of the Office communication in question. Finally, applicant must state that he was in fact at

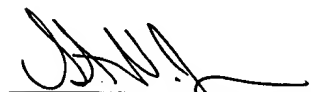
the correspondence address of record at the time the Notice of Non-Compliant Amendment would have been received.

Any such exhibits should be submitted as part of statement(s) showing that no Office communication was ever received.

While some of the above items have been addressed in applicants petition, the remainder must be addressed before any such petition can be granted.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Correspondence with respect to a Petition to Withdraw the Holding of Abandonment under *Delgar Inc. v. Schuyler* should be mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and inquiries relative to this decision may be directed to Special Programs Examiner Steven Meyers at (703) 308-3868. No fee is required for such a renewed petition.



Steven N. Meyers, Special Program Examiner
Patent Technology Center 3600
(703) 308-3868

SM: 8/11/03